



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT

For Meeting Date: October 14, 2010

Agenda Item No. 11: Office of Mine Reclamation, Lead Agency Review Team (LART) Report on Santa Cruz County.

INTRODUCTION: Under the Surface Mining and Reclamation Act of 1975 (SMARA), administration, compliance, and enforcement is shared between local lead agencies (counties and cities), the Department of Conservation (DOC), Office of Mine Reclamation (OMR), and the State Mining and Geology Board (SMGB). In 2007, DOC established the Lead Agency Review Team (LART) which operates within OMR. An overview of the LART program was previously presented by OMR to the SMGB in July 2009. The LART has completed its Lead Agency Review Report for the County of Santa Cruz (County), and is presenting a synopsis of its review.

BACKGROUND: California is the only state in the conterminous United States where surface mine reclamation is not regulated at the state level. Most states also maintain permitting authority when it comes to mining regulation; whereas, in California, permitting authority is decided at the local lead agency level. SMARA, pursuant to Public Resources Code (PRC) Section 2728, defines a lead agency as a city, county, San Francisco Bay Conservation and Development Commission (BCDC), or the SMGB, which has the principal responsibility for approving a surface mining operation or reclamation plan. Under SMARA, there are currently 108 lead agencies: 57 counties, 50 cities, and the SMGB.

The 57 counties that serve as lead agencies contain from about 4 to 117 mine sites within their respective jurisdiction, and average 27 mine sites per county. The 50 cities that serve as lead agencies contain from one to 35 mine sites within their jurisdiction, and average three mine sites per city. In 2007, the SMGB published on its website Information Report IR 2006-07 titled "*Report on SMARA Lead Agency Performance Regarding Mine Reclamation.*" This report noted that when a lead agency fails to fulfill its responsibilities and obligations under SMARA, the SMGB may consider assumption of their SMARA lead agency authority, with exception to permitting. The report summarized lead agency's performance in certain areas including conduct of mine inspections, adjustment of annual financial assurances and approval of Interim Management Plans should a surface mine site be characterized as idle for a period exceeding one year. Based on this review, the overall performance of SMARA lead agencies was found to significantly vary throughout the state. For the most part, overall performance was found to be poor, reflecting a number of factors including lack of dedicated and adequate resources to maintain an efficient and effective SMARA program, limited or absence of technical expertise, and lack of incentive to incorporate means to fund such program as provided by SMARA.



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Since 2002, the SMGB has exercised its assumption of lead agency authority for two counties, 10 cities, and 11 marine dredging operations. The SMGB has not exercised its assumption authority since publication of this statewide evaluation. Since 2007, the SMGB has, however, reviewed the overall performance of Butte County, Sacramento County, Santa Clara County, San Bernardino County, and Siskiyou County, and assisted to varying degrees in improving their respective programs. In addition, the LART was established in 2007 to further review the overall performance of SMARA lead agencies, and provide assistance, as deemed necessary.

SUMMARY OF COUNTY OF SANTA CRUZ PERFORMANCE AS A SMARA LEAD

AGENCY: In 2009, the LART has completed its first review of the County's SMARA program. The report prepared by OMR was submitted to the County on July 20, 2009. A response to the LART report from the County was subsequently received by OMR on August 11, 2009. The County oversees eight active surface mines. Materials extracted include primarily sand and gravel, with subordinate amounts of decomposed granite, cinder and stone.

EXECUTIVE OFFICER'S RECOMMENDATION: The information being provided by OMR is for the SMGB's information. No recommendations are provided by the Executive Officer at this time.

Respectfully submitted:

Stephen M. Testa
Executive Officer



EXHIBITS

- A County of Santa Cruz correspondence dated August 26, 2010.**
- B LART Santa Cruz County Lead Agency Review Report dated July 2009**

